



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,013	10/19/2007	Roberto Etchenique	0019240.00200-US2	5912
56949	7590	02/09/2011	EXAMINER	
WilmerHale/Columbia University 399 PARK AVENUE NEW YORK, NY 10022			AULAKH, CHARANJIT	
			ART UNIT	PAPER NUMBER
			1625	
			NOTIFICATION DATE	DELIVERY MODE
			02/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

Office Action Summary	Application No.	Applicant(s)	
	10/585,013	ETCHENIQUE ET AL.	
	Examiner	Art Unit	
	Charanjit S. Aulakh	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 January 2011.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 33-41,46,48-53,55,64 and 184 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 33,36,41,46,48-53,55,64 and 184 is/are rejected.
- 7) Claim(s) 34,35 and 37-40 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 8/11/08
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. According to paper filed on Jan. 24, 2011, the applicants have elected group I without traverse for further prosecution. The applicants have also canceled claims 65-183 and amended claim 184.
2. Claims 33-41, 46, 48-53, 55, 64 and 184 are now pending in the application.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 36, 48-53 and 184 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 36, the meaning of AMPA is not clear since it is not defined.

In claim 48, it is not clear how the organic molecule is protected from the effect of an enzyme? since claim is actually directed to preparing compound of claim 33. Also, it is not clear how the compounds of claim 33 are prepared when variable L2 does not represent L1? by reacting compounds of formula II' with organic molecule represented by variable L1 only?

In claims 49-53, it is not clear how the compound is exposed to light after it is administered to a subject?

In claim 184, it is not clear what kind of effect is being determined of the organic molecule on a biological sample? Also, the meaning of -----the method for assaying an organic molecule --- is not clear.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 33, 41, 46, 48-53, 55, 64 and 184 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffith (J. Chem. Soc.).

Griffith discloses crystal structures of rhuthenium complexes. The rhuthenium complexes disclosed in table 2 (see last four complexes) on page 2821 by Griffith anticipate the instant claims when metal is Ru, variable L2 represents L1 and L1 represents NH₂ group in the instant claim 33.

7. Claims 33, 41, 46, 48-53, 55, 64 and 184 are rejected under 35 U.S.C. 102(b) as being anticipated by Mines (J. Am. Chem. Soc.).

Mines discloses rhuthenium complexes. The rhuthenium complex, [Ru(phen)₂(CN)(im)]cl disclosed on page 1964 (see last complex in first column) by Mines anticipate the instant claims when metal is Ru, variable L1 represents a 5-membered monocyclic aromatic ring and variable L2 represents CN in the instant claim 33.

8. Claims 33, 41, 46, 48-53, 55, 64 and 184 are rejected under 35 U.S.C. 102(b) as being anticipated by Bosnich (Aust. J. Chem.).

Bosnich discloses bis-1,10-phenanthroline complexes of divalent ruthenium. The rhuthenium complexes disclosed on page 2233 by Bosnich anticipate the instant claims when when metal is Ru, variable L1 represents a 6-membered monocyclic aromatic ring and variable L2 represents either CN or NH₂ in the instant claim 33.

Allowable Subject Matter

9. Claims 34, 35 and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on (571)272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charanjit S. Aulakh/
Primary Examiner, Art Unit 1625